

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NANCY A. KAISER, State Bar No. 192083
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-5794
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-339

13 **JANICE ELOISE MATAR**
9909 Allspice Rose Court
14 Bakersfield, CA 93311

A C C U S A T I O N

15 **Registered Nurse License No. 604741**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
21 in her official capacity as the Executive Officer of the Board of Registered Nursing.

22 2. On or about August 19, 2002, the Board of Registered Nursing (Board)
23 issued Registered Nurse License Number 604741 to Janice Eloise Matar (Respondent). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on September 30, 2008, unless renewed.

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3. This Accusation is brought before the Board, under the authority of the

5

4. Section 2750 of the Code provides that the Board may discipline any

5. Section 2764 of the Code provides that the expiration of a license shall not

3

4
56
7

8

9

1

2
3
4
5
6
7

8

8. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

• • •

(c) Theft, dishonesty, fraud, or deceit.

COST RECOVERY

9. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crimes)

10. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and (f), and 490, in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of crimes substantially related to the qualifications, functions, or duties of a licensed vocational nurse, as follows:

11. On or about June 19, 2003, in a criminal proceeding entitled *The People of the State of California v. Janice Matar*, in Fresno County Superior Court, Case No. M03913510-4, Respondent pled guilty and was convicted of a violation of Penal Code section 484(a) (theft/shoplifting), a misdemeanor. Respondent was sentenced to two years of probation, payment of fines, and 20 hours of community service.

12. On or about August 5, 2005, in a criminal proceeding entitled *The People of the State of California v. Janice Matar*, in Kern County Superior Court, Case No. BM674556A, Respondent pled nolo contendere and was convicted of a violation of Penal Code section 488 (petty theft), a misdemeanor. Respondent was sentenced to three years of probation and payment of fines.

///

1 13. On or about September 28, 2007, in a criminal proceeding entitled *The*
2 *People of the State of California v. Janice Matar*, in Fresno County Superior Court, Case No.
3 BM714071A, Respondent pled nolo contendere and was convicted of a violation of Penal Code
4 section 488(a) (petty theft/shoplifting), a misdemeanor. Respondent was sentenced to three
5 years of probation, payment of fines, and 40 hours of community service.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

8 14. Respondent is subject to disciplinary action under Code section 2671,
9 subdivision (a), in that Respondent committed acts of unprofessional conduct, as described in
10 paragraphs 10 through 13, above.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

14 A. Revoking or suspending Registered Nurse License Number 604741, issued
15 to Janice Eloise Matar;

16 B. Ordering Janice Eloise Matar to pay the Board the reasonable costs of the
17 investigation and enforcement of this case, pursuant to Business and Professions Code section
18 125.3; and,

19 C. Taking such other and further action as deemed necessary and proper.

20
21 DATED: June 4, 2008

22
23 Theresa Kaiser, DAG, for
24 RUTH ANN TERRY, M.P.H., R.N.
25 Executive Officer
26 Board of Registered Nursing
27 State of California
28 Complainant